

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

RUFUS A. THOMPSON, III,

Petitioner,

v.

Criminal Case Number 01-00116

Civil Case Number 16-01452

Honorable David M. Lawson

UNITED STATES OF AMERICA,

Respondent.

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ORDER DISMISSING MOTION TO VACATE SENTENCE

On June 20, 2016, petitioner Rufus A. Thompson, III filed a motion to vacate his sentence under 28 U.S.C. § 2255. His motion raised a single claim that his sentence must be set aside because the definition of “crime of violence” in 18 U.S.C. § 924(c) is unconstitutionally vague under the holding of *Johnson v. United States*, 135 S. Ct. 2551 (2015). Thompson was sentenced under section 924(c) to several mandatory minimum terms ranging from 30 years to life, in addition to the sentences that he received for 16 convictions based on a series of fire-bombing attacks on various homes that he conspired to commit in 1998. In his motion, the petitioner acknowledged that he previously filed another motion under section 2255, and he represented that he had filed a motion in the Sixth Circuit Court of Appeals seeking permission to file a second or successive petition under section 2255. On August 2, 2016, the Sixth Circuit denied Thompson’s motion for leave to file a second or successive petition, concluding that his *Johnson* challenge to the language in section 924(c)’s definition of “crime of violence” was without merit. *In re: Rufus A. Thompson, III*, No. 16-5753 (6th Cir. Aug. 2, 2016). The petitioner has been denied leave to proceed with his second or successive petition, and the court of appeals has ruled that the claims raised in his motion are without merit. The Court lacks jurisdiction to entertain any of the claims raised in the present

motion, and it therefore must be dismissed. *See* 28 U.S.C. §§ 2255(h), 2244(b)(3)(A); *Stewart v. Martinez-Villareal*, 523 U.S. 637, 641 (1998).

Accordingly, it is **ORDERED** that the motion to vacate sentence [1] is **DISMISSED WITH PREJUDICE**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge
Sitting by special designation

Dated: January 18, 2018